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SUBJECT: HIGH REPRESENTATIVE LAJCAK WARNS UNSC BOSNIA IS AT TURNING POINT

¶1. (SBU) Summary: In a November 15 Security Council meeting on Bosnia and Herzegovina (BiH), High Representative Miroslav Lajcak told members that reform progress in the country had been stalled and this was holding back a European and Euro-Atlantic future. Lajcak defended his use of Bonn Powers on October 15 as an effort to compel officials to participate in government. Nikola Spiric, who recently resigned as Prime Minister but is serving under a technical mandate, criticized Lajcak's measures, saying non-participation was caused by international community partisan interference. Spiric spoke despite letters to Council members from elements of the Bosnian Presidency making it clear that he would not be presenting a consensus view of that complicated entity. The session was closed to the public over Russian objections.

¶2. (SBU) Ambassador Wolff met on November 16 with Spiric and stressed our support for the Highrep and disappointment with Spiric's decision to resign. Spiric defended himself as a supporter of BiH's territorial integrity and Euro-Atlantic integration whose efforts to foster inter-ethnic dialogue had been stymied by the Highrep. Spiric said only the US among international actors had the capacity to move Bosnia forward.  
End summary.

Lajcak: Bosnia Last In Line For SAA With EU

¶3. (SBU) In a November 15 private meeting on BiH (no press, General Assembly members and EU by invitation), High Representative Miroslav Lajcak reviewed for Security Council members the analysis contained in his latest bi-annual report. Lajcak said that BiH's course toward Euro-Atlantic integration was in jeopardy because recent ethnically-divisive rhetoric and actions by some leaders in BiH were delaying progress. He said BiH continues to struggle with serious economic problems and corruption. He defended his October 15 use of Bonn Powers to make a voting quorum for passage of legislation be based on actual attendance at meetings as within the constitution and necessary to prevent a blockage of BiH's functions of government. Bosnia now stood at a turning point of either escalation or deflation of its problems and needed compromise and reform, which had been demonstrated to be possible by the October 28 Mostar agreement to unblock police reform. Lajcak also stressed ICTY cooperation as a necessity for EU integration. Lajcak called on Bosnia's leaders to do what is needed to meet the conditions for an EU Stabilization and Association Agreement (SAA.)

Spiric: Need Internal Dialogue, Not Dialogue With International Community

¶4. (SBU) Speaking next, Nikola Spiric, who is serving under

a technical mandate as prime minister, averred that he had taken over chairmanship of the Council of Ministers hopeful that progress could be achieved in Bosnia but that political developments had not allowed that. (Note: Spiric spoke despite letters received by British and Indonesian Permreps from the Bosnian Presidency making it clear that he did not present the consensus views of that complicated entity. He spoke in a private session (no press, General Assembly members and EU by invitation) after lengthy consultations where Russia argued for a public meeting. End note.) Spiric continued that the only solution for BiH to move forward on needed reforms was dialogue, but he stressed this should be an internal dialogue, not a dialogue between the international community and BiH elements currying its favor. He said that the Highrep's October 15 use of the Bonn Powers to change rules for passage of legislation discouraged dialogue and amounted to an unstated amendment to the country's constitution. Spiric insisted he supported European and Euro-Atlantic integration and wanted progress toward an SAA. He also expressed support for renewing EUFOR's mandate.

Russia: Bonn Powers Should Not Be Used For Any Non-Dayton Agenda

¶15. (SBU) Offering support for many of Spiric's assertions, Russian Ambassador Churkin said recent events in BiH were alarming. The Highrep's recent use of the Bonn Powers did not have the agreement of all three of the Bosnian peoples and violated the spirit of Dayton. The views of Republika Srpska (RS) should not be ignored and the Bonn Powers should not be used for any non-Dayton agenda such as accelerating reform toward European integration, charged Churkin. Lajcak should weigh future steps carefully and avoid unlimited use of the Bonn Powers. Churkin protested also that

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international community elements bent on independence for Kosovo should not deal with the consequences of its plans by "turning the screws on Bosnia."

Statements Of Other Security Council Members And The EU

¶16. (SBU) UK Permrep Sawyers underscored that there was no threat to the existence of the RS and the international community would uphold Dayton. The Highrep's recent efforts to increase functionality through use of the Bonn Powers were constructive as Bosnia would not progress toward the EU unless its government could take and implement decisions, which was blocked by manipulative use of parliamentary rules. The Bonn Powers are still essential, stressed Sawyers.

¶17. (SBU) Speaking for the US, Ambassador Wolff said the US supported the Highrep and his recent actions to strengthen Bosnia's institutions and that we expected Bosnia's political leaders to respect those measures and implement them. Wolff said the U.S. regretted that Prime Minister Spiric had decided to resign rather than advance Bosnia's reform agenda and that, having resigned, his comments to the Security Council represented his personal views. Progress toward Euro-Atlantic integration had, unfortunately, stalled because of irresponsible rhetoric. Wolff welcomed the October 28 Mostar Agreement.

¶18. (SBU) French Permrep Ripert expressed support for the Highrep's work and regret that the actions of some BiH leaders were betraying the aspirations of the people. Belgium lamented that lack of progress toward reform and desire of some leaders to move away from Dayton and argued continued use of the Bonn Powers was necessary. Italy stated that continued work toward police reform and a European future was necessary.

¶19. (SBU) Slovak Permrep Burian underscored that Spiric's comments before the Council had been private and not official, noting representatives of other ethnic communities

in Bosnia were not present. Burian also said Bosnia is falling behind its neighbors on progress toward European integration and police and constitutional reforms are necessary.

¶10. (SBU) Speaking on behalf of the EU, Portuguese Mission Ambassador Godinho stated that the situation in BiH was now of the utmost concern to the international community. Progress toward an SAA would depend on implementing police reform but also on building up public administration, implementing public broadcasting legislation and ICTY cooperation, Godinho said. Bosnia's leaders should set aside polemics and focus on progress toward the EU.

#### Lajcak Responds To Criticism Regarding Bonn Powers

¶11. (SBU) Speaking again at the end of the meeting, Lajcak stated that his recent use of the Bonn Powers had been consistent with the Dayton Agreement and BiH's constitution. The Bonn Powers had been used 334 times since Dayton and the recent use had been timely and balanced. Lajcak added he intended to offer a legal interpretation of his recent usage that could not be misused. The Bonn Powers exist to implement the Dayton Agreement and when OHR's mandate was extended the last time all parties were aware the use of those powers was part of it, Lajcak stressed.

#### Ambassador Wolff's Meeting With Spiric

¶12. (SBU) On November 15, Ambassador Wolff met with Spiric and stressed our support for the Highrep and disappointment in Spiric's decision to resign. Wolff also defended the Highrep's October 15 use of Bonn Powers as aimed at fostering engagement by all of Bosnia's stakeholders in Bosnia's political future. Spiric cast himself in the meeting as a strong supporter of BiH's territorial integrity and Euro-Atlantic integration. Wolff pointed to the chorus of Euro-Atlantic voices in the previous day's meeting that had supported the Highrep while Russia and Serbia had not and asked Spiric if he saw Lajcak as having ulterior motives. Spiric responded that BiH was a small country and did not want to get caught in the middle of disputes involving larger countries as this always ends in tragedy; the Highrep had "blocked me from doing my job" through his October 15 use of the Bonn Powers, Spiric alleged, adding that he did not think either himself or Lajcak personally to be the problem, but dialogue is necessary and has to be bi-directional. Wolff concluded by querying Spiric on whether he saw a role for the

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US in defusing the situation. Spiric responded that he thought only the U.S. had the ability to help and that it would be necessary for the U.S. to sit down with Bosnia's local leaders and help understand what in the Highrep's decision had produced such "hysteria" and then later to "amend elements of the decision" in a way that would allow all parties in Bosnia to move forward.

Khalilzad